



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 01421-99

28 February 2000

CWO3 [REDACTED] ON RET
[REDACTED]
[REDACTED]

Dear Chief Warrant Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 1 July and 24 November 1999, copies of which are attached. The Board also considered your letter dated 6 February 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions. The information provided by the reporting seniors concerned and the letter of 22 January 1999 from a Navy commander who was your vice commander and senior Navy officer did not persuade the Board that the contested original fitness reports were erroneous or unjust. Since the Board found no defect in your performance record, they had no basis to remove your failures by the Fiscal Year 99 and 00 Chief Warrant Officer (W4) Selection Boards or set aside your retirement on 1 February 2000. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

14-1-99

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1421-99

1610
PERS-311
1 July 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: CWO3 D [REDACTED], USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to change his promotion recommendation from "Must Promote" to "Early Promote" on the fitness report for the period 8 August 1995 to 31 March 1996
2. Based on our review of the material provided, we find the following:
 - a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement.
 - b. The member requests the promotion recommendation be moved from "Must Promote to Early Promote". The member provides a letter from the reporting senior to the FY00 CWO4 promotion selection board stating the member's promotion recommendation was in error.
 - c. We cannot make the change to the fitness report as requested. Only the reporting senior who signed the report can request changes or submits supplementary material for filing in the member's record. Any supplemental material submitted must be submitted in accordance with reference (a), Annex P, paragraph P-4c. Although the report is over two years old, if the reporting senior wishes to submit a supplemental report, we will file it in his record.
 - d. It is clear the sole reason for the petition is the member's concern of failure of selection from the FY-00 CWO4 selection board. The report was not contested in any manner prior to this BCNR petition. If the report was in error or unjust, timely submission of correction was in order. Failure of selection is not sufficient reason to remove or change a fitness report.
 - e. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.



Head, Performance
Evaluation Branch



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

14-21-99

1610
PERS-311
24 November 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: CWO3 ~~REDACTED~~, USN, 012-46-5019/7441

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness reports for the period ~~22 April~~ April 1996 to 31 March 1997 and 1 April 1997 to 31 October 1997 and replace each with a supplemental fitness report.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the reports in question to be on file. They are signed by the member acknowledging the contents of each report and his right to submit a statement. The member did not desire to submit a statement.

b. The reporting senior submitted the supplemental fitness reports with the required cover letter in accordance with reference (a), Annex P. The supplemental reports upgrades several performance trait marks and revised block-41, Comments on Performance. The member's promotion recommendation is the same on both reports.

c. The reporting senior has submitted, and we have accepted and filed the supplemental fitness reports. The fact that the revised reports are better reports should have no bearing on whether the original is retained or removed. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them. Substitution of the revised reports for the originals should only be approved in unusual circumstances. The original and revised reports are filed together with each letter of transmittal. They provide a complete picture of Chief Warrant Officer ~~REDACTED~~ performance as first evaluated, and then after the reporting senior had the opportunity to reconsider.

d. Failure of selection is not sufficient reason to remove a fitness report.

e. The member does not prove the report to be unjust or in error.

3: We recommend the member's record remain unchanged.



Head, Performance
Evaluation Branch